

meeting, which by its very nature, or by specific statutory or regulatory authority, may warrant security, safety, and other logistical support or assistance from the Department of Defense. Event status is not determined by the Department of Defense, and support may be requested by either civil authorities or non-governmental entities. Support provided may be reimbursable.

*Special Event Working Group.* A single forum designed to ensure comprehensive and coordinated Federal inter-agency awareness of, and appropriate support to, special events. The Special Event Working Group is co-chaired by representatives from DHS (including the USSS and FEMA) and the FBI, and comprises representatives from more than 40 Federal departments and agencies, including the Department of Defense, the Departments of Homeland Security, Justice, State, Energy, Labor, Health and Human Services, and Commerce, the Office of the Director of National Intelligence, and the Environmental Protection Agency. The Department of Defense representative on the Special Event Working Group is designated by the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs (ASD(HD&ASA)).

#### § 183.4 Policy.

It is DoD policy that:

(a) DoD capabilities may be used to provide support for international and domestic special events as authorized by law and DoD policy. DoD resources in support of special events may be provided only after the resources of all other relevant governmental and non-governmental entities are determined not to be available, unless there is a statutory exception or the Department of Defense is the only source of specialized capabilities. DoD support should not be provided if use of commercial enterprises would be more appropriate.

(b) DoD Components shall provide support to civil authorities or qualifying entities for special events only as authorized in this part.

(c) The Department of Defense may support such events with personnel, equipment, and services in accordance with applicable laws, regulations, and interagency agreements. Most support

shall be provided on a non-interference basis, with careful consideration given to effects on readiness and current operations. Support for National Special Security Events (NSSEs) shall be in accordance with National Security Presidential Directive-46/Homeland Security Presidential Directive-15, Annex II.

(d) DoD security and safety-related support for an event shall have priority over logistics assistance. However, logistics assistance may be provided if deemed appropriate and necessary, consistent with applicable statutes and policy guidance.

(e) Funding for special events is subject to the following:

(1) The Department of Defense may receive separate funding or authority to provide support to specific special events.

(2) Support of special events for which the Department of Defense does not receive appropriations or for which DoD funds are not available for such support must be approved by the Secretary of Defense and must be provided on a reimbursable basis in accordance with title 10, U.S.C., sections 377, 2553–2555, and 2564; title 31, U.S.C., sections 1535–1536; or other applicable statutes.

(3) Reimbursement for DoD support provided to civilian law enforcement agencies during special events is required, in accordance with title 10 U.S.C. 377, unless the Secretary of Defense elects to waive reimbursement after determining that the support:

(i) Is provided in the normal course of military training or operations; or

(ii) Results in a benefit to the personnel providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training.

(4) The DoD will provide support to NSSEs in accordance with HSPD 15/NSPD 46, as authorized by law and policy.

(5) Security and safety of special events are responsibilities shared by Federal, State, and local authorities. If Federal funds will be provided to State or local authorities to offset the costs of enhanced security and public safety for special events and if State or local officials request the employment of National Guard personnel in a Federal pay status, States shall be encouraged

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to use those funds to employ those National Guard personnel in a State pay status or to reimburse the Department of Defense for costs related to the employment of the National Guard personnel in a Federal pay status.

(f) DoD support of special events that includes support to civilian law enforcement officials must comply with DoDD 5525.5 (see <http://www.dtic.mil/whs/directives/corres/pdf/552505p.pdf>).

(g) DoD support of special events that includes support to civilian intelligence officials must comply with DoD 5240.1-R (see <http://www.dtic.mil/whs/directives/corres/pdf/524001r.pdf>).

### § 183.5 Responsibilities.

(a) The Under Secretary of Defense for Policy (USD(P)) shall establish policy for and facilitate the interagency coordination of special events with Federal, State, and local agencies, and qualifying entities and the DoD Components, as required.

(b) The ASD(HD&ASA), under the authority, direction, and control of the USD(P), shall:

(1) In coordination with the CJCS, oversee the management and coordination of DoD support of special events including events covered under title 10, U.S.C., section 2564.

(2) Serve as the principal civilian advisor to the Secretary of Defense and the USD(P) on DoD support of special events.

(3) In accordance with DoDD 5111.13 (see <http://www.dtic.mil/whs/directives/corres/pdf/511113p.pdf>), approve requests for assistance from civil authorities and qualifying entities for DoD support of special events. Such requests shall be coordinated with appropriate offices within OSD, with the CJCS, and with the heads of appropriate DoD Components. The ASD(HD&ASA) will immediately notify the Secretary of Defense and the USD(P) when this authority is exercised.

(4) Coordinate, or consult on, special event support policy with other Federal departments and agencies (which may include the Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), the U.S. Secret Service (USSS), and the Federal Emergency Management Agency

(FEMA)) and with other qualifying entities as appropriate.

(5) Develop, coordinate, and oversee the implementation of DoD support of special events.

(6) Through the CJCS, monitor the activation, deployment, and employment of DoD personnel, facilities, and other resources involved in DoD support of special events.

(7) Coordinate DoD support of special events with the General Counsel of the Department of Defense (GC, DoD) and the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (USD(C)/CFO).

(8) Coordinate with the Assistant Secretary of Defense for Public Affairs (ASD(PA)) to ensure that information relating to DoD support of special events receives appropriate dissemination using all approved media.

(9) Represent the Department of Defense regarding special events to other Federal departments and agencies, State and local authorities, and qualifying entities, including designating the Department of Defense representatives for the working groups identified in § 183.6(b) of this part.

(10) Manage, in conjunction with the USD(C)/CFO, the Support for International Sporting Competitions (SISC) Defense Account.

(11) In accordance with section 5802 of Public Law 104-208, as amended, notify the congressional defense committees of DoD plans to obligate funds in the SISC Defense Account.

(12) In accordance with title 10 U.S.C. 2564, submit an annual report to Congress, no later than January 30 of each year following a year in which the Department of Defense provides assistance under title 10 U.S.C. 2564, detailing DoD support to certain sporting competitions.

(c) The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) shall coordinate on DoD support of special events and, in coordination with the CJCS, provide advice regarding the effect the requested support will have on readiness and military operations.

(d) The USD(C)/CFO shall: